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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/026,171	12/21/2001	Agapios K. Agapiou	1999U024D1.US	9429

25959 7590 03/09/2006

UNIVATION TECHNOLOGIES LLC  
5555 SAN FELIPE, SUITE 1950  
HOUSTON, TX 77056

EXAMINER

PASTERCZYK, JAMES W

ART UNIT	PAPER NUMBER
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1755

DATE MAILED: 03/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/026,171	Applicant(s) AGAPIOU ET AL.	
	Examiner J. Pasterczyk	Art Unit 1755	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 19 January 2006 and 23 February 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,3,5-10,14-22 and 24-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3,5-10,14-22 and 24-35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)                        |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>1/19/06</u> . | 6) <input type="checkbox"/> Other: _____   |

Art Unit: 1755

1. This Office action is in response to the amendment and executed Rule 132 declarations filed 2/23/06, the IDS filed 1/19/06, and the interview of 2/2/06, and refers to the final rejection of 6/7/05. The reference cited on the IDS has already been made of record, hence it is crossed off from the IDS document.

2. The anticipation rejections made over the Razavi I and II references in the previous Office action are withdrawn due to amendment. However, c.f. below for maintained and new grounds of rejection.

3. The examiner notes that what should be serially numbered as claim 33 was mislabeled as claim 35, giving this application two claims 35. The examiner will treat the first one at p. 11 of applicants' amendment as claim 33 and the other as claim 35; applicants are urged to correct their files in this regard.

4. Claims 1, 5, 6, 8, 10, 14, 21, 27, 28, 29, 30, and 35 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In each of claims 1, 6, 8, 10, 14, 21, 30 and 35, in the phrase defining the variable A, change "and tin atom" to --or tin atom-- for proper open Markush language.

In claims 1 and 5, end the claims with a period rather than a comma.

Further in claim 6, l. 8, insert a comma after "carrier".

Further in claim 10, l. 4-5, reciting a first temperature begs the question of whether there is a second temperature that was intended to be recited elsewhere in the claim.

In claims 27 and 29, it is not clear that the "introducing" step of (c) is truly different from the "combining" step of (d).

Art Unit: 1755

In claim 28, end l. 5 with --and--, and end the claim with a period instead of a semicolon.

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

6. Claims 1, 3, 5-10, 14-22 and 24-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over each of Razavi I and Razavi II as cited in the previous Office action.

The examiner notes that although the claims as now written are not clearly anticipated by Razavi I and Razavi II, they do appear to be prima facie obvious over these two references, and that the lesser fouling found in the executed Rule 132 declaration appears to have been a motivation for both Razavi references.

7. Claims 1, 3, 5-10, 14-22 and 24-29 are rejected under 35 U.S.C. 102(e) as being anticipated by Uwai et al., USP 6,420,501 (hereafter referred to as Uwai).

Uwai discloses the invention as claimed (abstract; col. 1, l. 32-43; col. 4, l. 48-62; col. 13, l. 17-26).

8. Claims 1, 3, 5-10, 14-22 and 24-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Uwai as cited above.

The disclosure of Uwai has been discussed above.

Uwai lacks disclosure of heating the activated metallocene to a temperature above room temperature before reacting it with a carrier at a temperature above room temperature.

However, such a step would have been well within the skill of the routineer in the art to accomplish with only minor experimentation.

It would have been obvious to one of ordinary skill in the art to apply that skill to the disclosure of Uwai with a reasonable expectation of obtaining a highly-useful method for

Art Unit: 1755

preparing a supported metallocene catalyst with the expected benefit of the catalyst affording higher yields of polyolefin with improved bulk density and particle morphology.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to J. Pasterczyk whose telephone number is 571-272-1375. The examiner can normally be reached on M-F from 9 to 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jerry Lorengo, can be reached at 571-272-1233. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



J. Pasterczyk

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2/3/06



J. A. LORENGO  
SUPERVISORY PATENT EXAMINER